Union Calendar No. 49

110TH CONGRESS 1ST SESSION

H. R. 1677

[Report No. 110-84]

To amend the Internal Revenue Code of 1986 to enhance taxpayer protections and outreach.

IN THE HOUSE OF REPRESENTATIVES

March 26, 2007

Mr. Rangel (for himself and Mr. Lewis of Georgia) introduced the following bill; which was referred to the Committee on Ways and Means

April 16, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed [Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 26, 2007]

A BILL

To amend the Internal Revenue Code of 1986 to enhance taxpayer protections and outreach.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE; ETC.
- 4 (a) Short Title.—This Act may be cited as the
- 5 "Taxpayer Protection Act of 2007".

- 1 (b) Amendment of 1986 Code.—Except as otherwise
- 2 expressly provided, whenever in this Act an amendment or
- 3 repeal is expressed in terms of an amendment to, or repeal
- 4 of, a section or other provision, the reference shall be consid-
- 5 ered to be made to a section or other provision of the Inter-
- 6 nal Revenue Code of 1986.
- 7 (c) Table of Contents.—The table of contents for
- 8 this Act is as follows:
 - Sec. 1. Short title; etc.
 - Sec. 2. Family business tax simplification.
 - Sec. 3. Taxpayer notification of suspected identity theft.
 - Sec. 4. Extension of time for return of property for wrongful levy.
 - Sec. 5. Individuals held harmless on wrongful levy, etc., on individual retirement plan.
 - Sec. 6. Clarification of IRS unclaimed refund authority.
 - Sec. 7. Prohibition on IRS debt indicators for predatory refund anticipation loans.
 - Sec. 8. Prohibition on misuse of Department of the Treasury names and symbols.
 - Sec. 9. EITC outreach.
 - Sec. 10. Modification of rules pertaining to FIRPTA nonforeign affidavits.
 - Sec. 11. Disclosure of prisoner return information to Federal Bureau of Prisons.

9 SEC. 2. FAMILY BUSINESS TAX SIMPLIFICATION.

- 10 (a) In General.—Section 761 (defining terms for
- 11 purposes of partnerships) is amended by redesignating sub-
- 12 section (f) as subsection (g) and by inserting after sub-
- 13 section (e) the following new subsection:
- 14 "(f) Qualified Joint Venture.—
- 15 "(1) In general.—In the case of a qualified
- joint venture conducted by a husband and wife who
- 17 file a joint return for the taxable year, for purposes
- 18 of this title—

1	"(A) such joint venture shall not be treated
2	as a partnership,
3	"(B) all items of income, gain, loss, deduc-
4	tion, and credit shall be divided between the
5	spouses in accordance with their respective inter-
6	ests in the venture, and
7	"(C) each spouse shall take into account
8	such spouse's respective share of such items as if
9	they were attributable to a trade or business con-
10	ducted by such spouse as a sole proprietor.
11	"(2) Qualified joint venture.—For purposes
12	of paragraph (1), the term 'qualified joint venture'
13	means any joint venture involving the conduct of a
14	trade or business if—
15	"(A) the only members of such joint venture
16	are a husband and wife,
17	"(B) both spouses materially participate
18	(within the meaning of section 469(h) without
19	regard to paragraph (5) thereof) in such trade or
20	business, and
21	"(C) both spouses elect the application of
22	this subsection.".
23	(b) Net Earnings From Self-Employment.—
24	(1) Subsection (a) of section 1402 (defining net
25	earnings from self-employment) is amended by strik-

- ing ", and" at the end of paragraph (15) and inserting a semicolon, by striking the period at the end of
 paragraph (16) and inserting "; and", and by inserting after paragraph (16) the following new paragraph:
 - "(17) notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) in determining net earnings from self-employment of such spouse."
 - (2) Subsection (a) of section 211 of the Social Security Act (defining net earnings from self-employment) is amended by striking "and" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting "; and", and by inserting after paragraph (15) the following new paragraph:
 - "(16) Notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) of the Internal Revenue Code of 1986 in determining net earnings from self-employment of such spouse."

1	(c) Effective Date.—The amendments made by this
2	section shall apply to taxable years beginning after Decem-
3	ber 31, 2006.
4	SEC. 3. TAXPAYER NOTIFICATION OF SUSPECTED IDENTITY
5	THEFT.
6	(a) In General.—Chapter 77 (relating to miscella-
7	neous provisions) is amended by adding at the end the fol-
8	lowing new section:
9	"SEC. 7529. NOTIFICATION OF SUSPECTED IDENTITY
10	THEFT.
11	"If, in the course of an investigation under section
12	7206 (relating to fraud and false statements) or 7207 (relat-
13	ing to fraudulent returns, statements, or other documents),
14	the Secretary determines that there was or may have been
15	an unauthorized use of the identity of the taxpayer or de-
16	pendents, the Secretary shall—
17	"(1) as soon as practicable and without jeopard-
18	izing such investigation, notify the taxpayer of such
19	determination, and
20	"(2) if any person is criminally charged by in-
21	dictment or information under either of such sections,
22	notify such taxpayer as soon as practicable of such
23	charae''

1	(b) Clerical Amendment.—The table of sections for
2	chapter 77 is amended by adding at the end the following
3	new item:
	"Sec. 7529. Notification of suspected identity theft.".
4	(c) Effective Date.—The amendments made by this
5	section shall apply to determinations made after the date
6	of the enactment of this Act.
7	SEC. 4. EXTENSION OF TIME FOR RETURN OF PROPERTY
8	FOR WRONGFUL LEVY.
9	(a) Extension of Time for Return of Property
10	Subject to Levy.—Subsection (b) of section 6343 (relat-
11	ing to return of property) is amended by striking "9
12	months" and inserting "2 years".
13	(b) Period of Limitation on Suits.—Subsection (c)
14	of section 6532 (relating to suits by persons other than tax-
15	payers) is amended—
16	(1) in paragraph (1) by striking "9 months"
17	and inserting "2 years", and
18	(2) in paragraph (2) by striking "9-month" and
19	inserting "2-year".
20	(c) Effective Date.—The amendments made by this
21	section shall apply to—
22	(1) levies made after the date of the enactment
23	of this Act, and
24	(2) levies made on or before such date if the 9-
25	month period has not expired under section 6343(b)

1	of the Internal Revenue Code of 1986 (without regard
2	to this section) as of such date.
3	SEC. 5. INDIVIDUALS HELD HARMLESS ON WRONGFUL
4	LEVY, ETC., ON INDIVIDUAL RETIREMENT
5	PLAN.
6	(a) In General.—Section 6343 (relating to authority
7	to release levy and return property) is amended by adding
8	at the end the following new subsection:
9	"(f) Individuals Held Harmless on Wrongful
10	Levy, Etc. on Individual Retirement Plan.—
11	"(1) In General.—If the Secretary determines
12	that an individual retirement plan has been levied
13	upon in a case to which subsection (b) or $(d)(2)(A)$
14	applies, an amount equal to the sum of—
15	"(A) the amount of money returned by the
16	Secretary on account of such levy, and
17	"(B) interest paid under subsection (c) on
18	such amount of money,
19	may be deposited into such individual retirement
20	plan or any other individual retirement plan (other
21	than an endowment contract) to which a rollover
22	from the plan levied upon is permitted.
23	"(2) Treatment as rollover.—If amounts are
24	deposited into an individual retirement plan under
25	paragraph (1) not later than the 60th day after the

1	date on which the individual receives the amounts
2	under paragraph (1)—
3	"(A) such deposit shall be treated as a roll-
4	over described in section $408(d)(3)(A)(i)$,
5	"(B) to the extent the deposit includes inter-
6	est paid under subsection (c), such interest shall
7	not be includible in gross income, and
8	"(C) such deposit shall not be taken into ac-
9	count under section $408(d)(3)(B)$.
10	For purposes of subparagraph (B), an amount shall
11	be treated as interest only to the extent that the
12	amount deposited exceeds the amount of the levy.
13	"(3) Refund, etc., of income tax on levy.—
14	If any amount is includible in gross income for a tax-
15	able year by reason of a levy referred to in paragraph
16	(1) and any portion of such amount is treated as a
17	rollover under paragraph (2), any tax imposed by
18	chapter 1 on such portion shall not be assessed, and
19	if assessed shall be abated, and if collected shall be
20	credited or refunded as an overpayment made on the
21	due date for filing the return of tax for such taxable
22	year.
23	``(4) Interest.—Notwith standing subsection
24	(d), interest shall be allowed under subsection (c) in
25	a case in which the Secretary makes a determination

1	described in subsection $(d)(2)(A)$ with respect to a
2	levy upon an individual retirement plan.".
3	(b) Effective Date.—The amendment made by this
4	section shall apply to amounts paid under subsections (b),
5	(c), and (d)(2)(A) of section 6343 of the Internal Revenue
6	Code of 1986 after the date of the enactment of this Act.
7	SEC. 6. CLARIFICATION OF IRS UNCLAIMED REFUND AU-
8	THORITY.
9	Section 6103(m)(1) (relating to tax refunds) is amend-
10	ed by inserting ", and through any other means of mass
11	communication," after "media".
12	SEC. 7. PROHIBITION ON IRS DEBT INDICATORS FOR PRED-
13	ATORY REFUND ANTICIPATION LOANS.
13 14	ATORY REFUND ANTICIPATION LOANS. (a) In General.—Subsection (f) of section 6011 (re-
14 15	(a) In General.—Subsection (f) of section 6011 (re-
14 15	(a) In General.—Subsection (f) of section 6011 (relating to promotion of electronic filing) is amended by add-
14 15 16	(a) In General.—Subsection (f) of section 6011 (relating to promotion of electronic filing) is amended by adding at the end the following new paragraph:
14 15 16 17	(a) In General.—Subsection (f) of section 6011 (relating to promotion of electronic filing) is amended by adding at the end the following new paragraph: "(3) Prohibition on IRS Debt indicators for
14 15 16 17	(a) In General.—Subsection (f) of section 6011 (relating to promotion of electronic filing) is amended by adding at the end the following new paragraph: "(3) Prohibition on IRS Debt indicators for Predatory refund anticipation loans.—
14 15 16 17 18	(a) In General.—Subsection (f) of section 6011 (relating to promotion of electronic filing) is amended by adding at the end the following new paragraph: "(3) Prohibition on IRS Debt indicators for Predatory refund anticipation loans.— "(A) In General.—In carrying out any
14 15 16 17 18 19 20	(a) In General.—Subsection (f) of section 6011 (relating to promotion of electronic filing) is amended by adding at the end the following new paragraph: "(3) Prohibition on IRS Debt indicators for Predatory refund anticipation loans.— "(A) In General.—In carrying out any program under this subsection, the Secretary
14 15 16 17 18 19 20	(a) In General.—Subsection (f) of section 6011 (relating to promotion of electronic filing) is amended by adding at the end the following new paragraph: "(3) Prohibition on Irs Debt indicators for Predatory refund anticipation loans.— "(A) In General.—In carrying out any program under this subsection, the Secretary shall not provide a debt indicator to any person

- loans and related charges and fees that are predatory.
- "(B) REFUND ANTICIPATION LOAN.—For

 purposes of this paragraph, the term 'refund anticipation loan' means a loan of money or of any
 other thing of value to a taxpayer secured by the
 taxpayer's anticipated receipt of a Federal tax
 refund.
- 9 "(C) IRS DEBT INDICATOR.—For purposes
 10 of this paragraph, the term 'debt indicator'
 11 means a notification provided through a tax re12 turn's acknowledgment file that a refund will be
 13 offset to repay debts for delinquent Federal or
 14 State taxes, student loans, child support, or other
 15 Federal agency debt.".
- 16 (b) Effective Date.—The amendment made by this 17 section shall apply to determinations after the date of the 18 enactment of this Act.
- 19 SEC. 8. PROHIBITION ON MISUSE OF DEPARTMENT OF THE 20 TREASURY NAMES AND SYMBOLS.
- 21 (a) In General.—Subsection (a) of section 333 of title 22 31, United States Code, is amended by inserting "internet 23 domain address," after "solicitation," both places it ap-24 pears.

1	(b) Penalty for Misuse by Electronic Means.—
2	Subsections $(c)(2)$ and $(d)(1)$ of section 333 of such Code
3	are each amended by inserting "or any other mass commu-
4	nications by electronic means," after "telecast,".
5	(c) Effective Date.—The amendments made by this
6	section shall apply with respect to violations occurring after
7	the date of the enactment of this Act.
8	SEC. 9. EITC OUTREACH.
9	(a) In General.—Section 32 (relating to earned in-
10	come) is amended by adding at the end the following new
11	subsection:
12	"(n) Notification of Potential Eligibility for
13	Credit and Refund.—
14	"(1) In general.—To the extent possible and on
15	an annual basis, the Secretary shall provide to each
16	taxpayer who—
17	"(A) for any preceding taxable year for
18	which credit or refund is not precluded by sec-
19	tion 6511, and
20	"(B) did not claim the credit under sub-
21	section (a) but may be allowed such credit for
22	any such taxable year based on return or return
23	information (as defined in section 6103(b))
24	available to the Secretary.

1	notice that such taxpayer may be eligible to claim
2	such credit and a refund for such taxable year.
3	"(2) Notice.—Notice provided under paragraph
4	(1) shall be in writing and sent to the last known ad-
5	dress of the taxpayer.".
6	(b) Effective Date.—The amendment made by this
7	section shall take effect on the date of the enactment of this
8	Act.
9	SEC. 10. MODIFICATION OF RULES PERTAINING TO FIRPTA
10	NONFOREIGN AFFIDAVITS.
11	(a) In General.—Subsection (b) of section 1445 (re-
12	lating to exemptions) is amended by adding at the end the
13	following:
14	"(9) Alternative procedure for furnishing
15	NONFOREIGN AFFIDAVIT.—For purposes of para-
16	graphs (2) and (7)—
17	"(A) In general.—Paragraph (2) shall be
18	treated as applying to a transaction if, in con-
19	nection with a disposition of a United States
20	real property interest—
21	"(i) the affidavit specified in para-
22	graph (2) is furnished to a qualified sub-
23	stitute, and
24	"(ii) the qualified substitute furnishes
25	a statement to the transferee stating, under

1	penalty of perjury, that the qualified sub-
2	stitute has such affidavit in his possession.
3	"(B) Regulations.—The Secretary shall
4	prescribe such regulations as may be necessary
5	or appropriate to carry out this paragraph.".
6	(b) Qualified Substitute.—Subsection (f) of section
7	1445 (relating to definitions) is amended by adding at the
8	end the following new paragraph:
9	"(6) Qualified substitute.—The term 'quali-
10	fied substitute' means, with respect to a disposition of
11	a United States real property interest—
12	"(A) the person (including any attorney or
13	title company) responsible for closing the trans-
14	action, other than the transferor's agent, and
15	"(B) the transferee's agent.".
16	(c) Exemption Not To Apply if Knowledge or
17	Notice That Affidavit or Statement Is False.—
18	(1) In General.—Paragraph (7) of section
19	1445(b) (relating to special rules for paragraphs (2)
20	and (3)) is amended to read as follows:
21	"(7) Special rules for paragraphs (2), (3),
22	AND (9).—Paragraph (2), (3), or (9) (as the case may
23	be) shall not apply to any disposition—
24	"(A) if—

1	"(i) the transferee or qualified sub-
2	stitute has actual knowledge that the affi-
3	davit referred to in such paragraph, or the
4	statement referred to in paragraph
5	(9)(A)(ii), is false, or
6	"(ii) the transferee or qualified sub-
7	stitute receives a notice (as described in sub-
8	section (d)) from a transferor's agent, trans-
9	feree's agent, or qualified substitute that
10	such affidavit or statement is false, or
11	"(B) if the Secretary by regulations requires
12	the transferee or qualified substitute to furnish a
13	copy of such affidavit or statement to the Sec-
14	retary and the transferee or qualified substitute
15	fails to furnish a copy of such affidavit or state-
16	ment to the Secretary at such time and in such
17	manner as required by such regulations.".
18	(2) Liability.—
19	(A) Notice.—Paragraph (1) of section
20	1445(d) (relating to notice of false affidavit; for-
21	eign corporations) is amended to read as follows:
22	"(1) Notice of false affidavit; foreign
23	CORPORATIONS.—If—
24	"(A) the transferor furnishes the transferee
25	or qualified substitute an affidavit described in

1	paragraph (2) of subsection (b) or a domestic
2	corporation furnishes the transferee an affidavit
3	described in paragraph (3) of subsection (b), and
4	"(B) in the case of—
5	"(i) any transferor's agent—
6	"(I) such agent has actual knowl-
7	edge that such affidavit is false, or
8	"(II) in the case of an affidavit
9	described in subsection (b)(2) furnished
10	by a corporation, such corporation is a
11	foreign corporation, or
12	"(ii) any transferee's agent or qualified
13	substitute, such agent or substitute has ac-
14	tual knowledge that such affidavit is false,
15	such agent or qualified substitute shall so notify
16	the transferee at such time and in such manner
17	as the Secretary shall require by regulations.".
18	(B) Failure to furnish notice.—Para-
19	graph (2) of section 1445(d) (relating to failure
20	to furnish notice) is amended to read as follows:
21	"(2) Failure to furnish notice.—
22	"(A) In GENERAL.—If any transferor's
23	agent, transferee's agent, or qualified substitute
24	is required by paragraph (1) to furnish notice,
25	but fails to furnish such notice at such time or

- times and in such manner as may be required
 by regulations, such agent or substitute shall
 have the same duty to deduct and withhold that
 the transferee would have had if such agent or
 substitute had complied with paragraph (1).
- 6 "(B) LIABILITY LIMITED TO AMOUNT OF
 7 COMPENSATION.—An agent's or substitute's li8 ability under subparagraph (A) shall be limited
 9 to the amount of compensation the agent or sub10 stitute derives from the transaction.".
- 11 (C) Conforming amendment.—The head12 ing for section 1445(d) is amended by striking
 13 "OR Transferee's Agents" and inserting ",
 14 Transferee's Agents, or Qualified Sub15 Stitutes".
- 16 (d) Effective Date.—The amendments made by this 17 section shall apply to dispositions of United States real 18 property interests after the date of the enactment of this 19 Act.
- 20 SEC. 11. DISCLOSURE OF PRISONER RETURN INFORMATION
- 21 TO FEDERAL BUREAU OF PRISONS.
- 22 (a) In General.—Subsection (k) of section 6103 (re-
- 23 lating to disclosure of certain return and return informa-
- 24 tion for tax administration purposes) is amended by add-
- 25 ing at the end the following new paragraph:

1	"(10) Disclosure of certain return infor-
2	MATION OF PRISONERS TO FEDERAL BUREAU OF
3	PRISONS.—
4	"(A) In General.—Under such procedures
5	as the Secretary may prescribe, the Secretary
6	may disclose to the head of the Federal Bureau
7	of Prisons any return information with respect
8	to individuals incarcerated in Federal prison
9	whom the Secretary has determined may have
10	filed or facilitated the filing of a false return to
11	the extent that the Secretary determines that
12	such disclosure is necessary to permit effective
13	Federal tax administration.
14	"(B) Restriction on redisclosure.—
15	Notwithstanding subsection (n), the head of the
16	Federal Rureau of Prisons may not disclose any

Notwithstanding subsection (n), the head of the Federal Bureau of Prisons may not disclose any information obtained under subparagraph (A) to any person other than an officer or employee of such Bureau.

"(C) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information received under this paragraph shall be used only for purposes of and to the extent necessary in taking administrative action to prevent the filing of false and fraudulent returns, including administrative

- actions to address possible violations of adminis trative rules and regulations of the prison facil ity.
- "(D) Annual report.—In each of the cal-4 5 endar years 2007 through 2010, the Secretary 6 shall submit to Congress and make publicly 7 available a report on the filing of false and 8 fraudulent returns by individuals incarcerated 9 in Federal and State prisons. Such report shall include statistics on the number of false and 10 11 fraudulent returns associated with each Federal 12 and State prison.
- 13 "(E) TERMINATION.—No disclosure may be 14 made under this paragraph after December 31, 15 2010.".
- 16 (b) RECORDKEEPING.—Paragraph (4) of section 17 6103(p) is amended by striking "(k)(8)" both places it ap-18 pears and inserting "(k)(8) or (10)".
- 19 (c) EVALUATION BY TREASURY INSPECTOR GENERAL 20 FOR TAX ADMINISTRATION.—Paragraph (3) of section 21 7803(d) is amended by striking "and" at the end of sub-22 paragraph (A), by striking the period at the end of subpara-23 graph (B) and inserting "; and", and by adding at the end
- 24 the following new subparagraph:

1	"(C) not later than December 31, 2009, sub-
2	mit a written report to Congress on the imple-
3	mentation of section $6103(k)(10)$.".
4	(d) Effective Date.—
5	(1) In general.—Except as provided in para-
6	graph (2), the amendments made by this section shall
7	apply to disclosures made after December 31, 2007.
8	(2) Annual Report.—Section 6103(k)(10)(D) of
9	the Internal Revenue Code of 1986 (relating to an-
10	nual reports), as added by this section, shall apply to
11	reports submitted after the date of the enactment of
12	$this\ Act.$

Union Calendar No. 49

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[Report No. 110-84]

A BILL

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APRIL 16, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed